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April 15, 2021

Via E-Filing and Email: chambersnysdseibel@nysd.uscourts.gov

The Honorable Cathy Seibel
United States District Court for the Southern District of New York
The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

**Re: The Wave Studio, LLC v. General Hotel Management Ltd. et al.
Case No. 7:13-cv-09239-CS; and
The Wave Studio, LLC v. Booking Holdings Inc. et al., Case No. 1:21-cv-02691**

Dear Judge Seibel:

This firm is counsel for Defendant General Hotel Management Ltd. (“GHM”) in the case *The Wave Studio, LLC v. General Hotel Management Ltd. et al.*, Case No. 7:13-cv-09239-CS-PED (the “Primary GHM Action”) and all cases consolidated therewith (collectively, the “GHM Actions”).

As Your Honor may recall, the Primary GHM Action named over 50 defendants in addition to GHM. On July 3, 2014, Your Honor issued an order staying the case as to all defendants except for GHM so that The Wave Studio, LLC (“Plaintiff”) and GHM could litigate the threshold issue of Plaintiff’s claims against GHM. Thereafter, Plaintiff filed eight nearly identical lawsuits in the Northern District of California and one nearly identical lawsuit in the Southern District of New York, naming numerous additional defendants. Aside from one, all of those lawsuits were transferred to this Court and were consolidated with the Primary GHM Action. The cases with respect to each of the additional defendants were also stayed pending a decision on the threshold issue. On March 10, 2017, Your Honor issued a decision on motions for summary judgment in the Primary GHM Action, dismissing GHM from the action on the grounds of *forum non conveniens*, severing the claims against GHM, and continuing the stay of all of Plaintiff’s claims against all other defendants. The United States Court of Appeals for the Second Circuit upheld that decision on February 26, 2018. *Wave Studio, LLC v. Gen. Hotel Mgmt. Ltd.*, 712 F. App’x 88, 89 (2d Cir. 2018).

We write to bring an issue to the Court’s attention that the Court may wish to address. Specifically, on March 29, 2021, Plaintiff filed another complaint against Booking Holdings Inc.,

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Agoda Company Pte. Ltd., AGIP LLC, Booking.com B.V., Booking.com (USA) Inc., Rocket Travel, Inc. and Momondo A/S., 1:21-cv-02691 (hereinafter the “Booking Action”) which is virtually identical to the GHM Actions. Attached hereto are (i) a copy of Plaintiff’s Complaint in the Booking Action; and (ii) a copy of Plaintiff’s Related Case Statement in the Booking Action. Thus, the Booking Action is highly similar to the actions that Plaintiff previously filed and that are stayed pending the resolution Plaintiff’s copyright infringement action against GHM in Singapore, which is currently set for trial in the fall. GHM believes that the appropriate course of action is for the Booking Action to be consolidated with the Primary GHM Action and to be stayed.

Plaintiff’s motivation for filing yet another complaint that relates to the same copyright registrations, hotel properties and photographs is unknown. While we understand that the Booking Case is not consolidated with the GHM Case at this time and that GHM has been dismissed from the GHM Case, we nevertheless felt it necessary to bring this additional action to Your Honor’s attention. We note that, to the extent any of the named Defendants move for the Booking Case to be consolidated with the GHM Case and/or for the Booking Case to be stayed, GHM will likely support such motions.

We thank you for your attention to this matter.

Very truly yours,

/s/ Abigail J. Remore

Abigail J. Remore

AJR:
Enclosures